

**ENTERED**

May 08, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

ERNESTINA CAZARES SANTILLAN, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 1:14-CV-114
	§	
UNITED STATES OF AMERICA, <i>et al.</i> ,	§	
	§	
Defendants.	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Plaintiffs Ernestina Cazares Santillan, Damian Perez Santillan, Amada Carolina Martinez Morales, and Claudia Elizabeth Torres Orantes filed a civil rights action against Unknown Border Patrol Agents (“individual defendants”), the United States of America, United States Department of Homeland Security, United States Bureau of Customs and Border Protection, United States Border Patrol, the United States Immigration and Customs Enforcement Agency, and the United States Department of Justice (“agency defendants”). Luis J. Gonzales and Rolando Padilla were later identified as defendant Border Patrol agents.

On March 31, 2020, the United States Magistrate Judge issued a Report and Recommendation (Doc. 57) recommending that the Court grant the federal agency Defendants’ Motion to Dismiss Complaint against the United States of America and Named Federal Agencies (Doc. 5). The Magistrate Judge also recommended that the Court dismiss Plaintiffs’ *Bivens* claims against all individual defendants under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. (Rep. & Rec., Doc. 57) No party filed objections to the Report and Recommendation.

After considering the Report and Recommendation and the applicable law, the Court **ADOPTS** the Report and Recommendation (Doc. 57). Accordingly, it is:

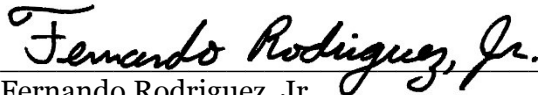
**ORDERED** that Defendants’ Motion to Dismiss Complaint against the United States of America and Named Federal Agencies (Doc. 5), is **GRANTED**;

**ORDERED** that all of Plaintiffs' causes of action against the United States of America, the United States Department of Homeland Security, the United States Bureau of Customs and Border Protection, the United States Border Patrol, the United States Immigration and Customs Enforcement Agency, and the United States Department of Justice are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction; and

**ORDERED** that all of Plaintiffs' causes of action against Defendants Luis J. Gonzales, Rolando Padilla, and any other unnamed agent of the United States Border Patrol are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted.

The Clerk of Court is directed to close this matter.

SIGNED this 8th day of May, 2020.

  
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Fernando Rodriguez, Jr.  
United States District Judge